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August 24, 2023

Hon. Lewis J. Liman, U.S.D.J.
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Via ECF

Re: **689 Eatery Corp., etc. et ano. v. City of New York, et al.,**
Docket No. 02 CV 4431 (LJL) (“Action No. 1”)

59 Murray Enterprises, Inc. etc., et ano. v. City of New York, et al.,
Docket No. 02 CV 4432 (LJL) (“Action No. 2”)

Club at 60th Street, et al. v. City of New York
Docket No. 02 CV 8333 (LJL) (“Action No. 3”)

336 LLC, etc, et al. v. City of New York
Docket No. 18 CV 3732 (LJL) (“Action No. 4”)

Dear Judge Liman:

We represent the plaintiffs in Action No. 2 and, on behalf of counsel for all parties in all of the actions, write jointly with respect to the trial scheduled in this matter for October 16, 2023.

At the present time, the joint pre-trial order, proposed findings of fact and conclusions of law, and motions *in limine* are due October 2, 2023, opposition to motions *in limine* are due October 9, 2023 and the final pre-trial conference is scheduled to be held

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on Friday, October 13, 2023. The parties' motions for summary judgment were submitted on July 10, 2023.

Counsel are extremely mindful of Your Honor's scheduling Orders and instructions in these cases, including but not limited to the Order of May 8, 2023, as well as the age and the complicated road of these cases, and have complied with the briefing schedule set by the court. With the utmost respect for the prior Orders, counsel for all parties, having conferred jointly, write to inquire as to whether the Court would entertain the possibility of adjourning the start date of the trial to no fewer than 60 days after the Court has ruled on the pending motions for summary judgment. We believe this approach would be in the interest of efficiency and justice as significant costs have already been expended on motion practice and a ruling on the motions could significantly reduce the additional costs of a trial (which includes several counsel that will have to travel to New York City), by either eliminating the need for a trial altogether or significantly limiting the issues of fact to be tried. Additionally, a ruling would likely reduce the number of witnesses subject to cross-examination (and the associated costs of such appearances).

In the alternative, counsel for the parties jointly request a virtual (remote) conference to discuss the management of the trial with the Court, including the actual mechanics of the trial.

As always, counsel thank the Court in advance for its attention to these matters.

Respectfully,

Edward S. Rudofsky
Edward S. Rudofsky

Cc: All Counsel (Via E-Filing)

All parties are directed to appear for a Conference on this matter on September 7, 2023 at 10:00 a.m. The Conference will be held remotely by Zoom. The parties will be provided with the Zoom log-in information prior to the Conference. The Public may access the hearing by dialing into the Court's audio only teleconference line at 888-251-2909 and using access code 2123101.

SO ORDERED.

LEWIS J. LIMAN
United States District Judge

8/30/2023